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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,852	03/16/2005	Johannis Friso Rendert Blacquiere	NL 020905	2671

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

WILSON, YOLANDA L

ART UNIT	PAPER NUMBER
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2113

MAIL DATE	DELIVERY MODE
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07/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/527,852	Applicant(s) BLACQUIERE ET AL.	
	Examiner Yolanda L. Wilson	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,9,11-14 and 16 is/are rejected.
- 7) ☒ Claim(s) 3-5,7,8 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The specification is missing the following headings: 'Background', 'Summary of the Invention', 'Brief Description of Drawings', and 'Detailed Description'.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,6,9,11-14,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotoh et al. (USPN 6581167 B1) in view of Blumenau (USPN 6631442B1). As per claims 1,16, Gotoh et al. discloses detecting whether a shortage of free space in the defect management area is to be expected, allocating supplemental defect management area at the cost of the data area when the shortage has been detected, and adapting the file system information to reflect a latest state of availability of the data area and the allocated supplemental defect management area in column 24, line 63 – column 25, line 60.

Gotoh fails to explicitly state during an unmounting phase wherein the host unmounts the disc, wherein the host performs the detecting, the allocating, and the adapting, all before the host unmounts the recording medium.

Blumenau discloses this limitation in column 3, lines 4-38.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have during an unmounting phase wherein the host unmounts the disc, wherein the host performs the detecting, the allocating, and the adapting, all before the host unmounts the recording medium. A person of ordinary skill in the art would have been motivated to have during an unmounting phase wherein the host unmounts the disc, wherein the host performs the detecting, the allocating, and the adapting, all before the host unmounts the recording medium because the availability of space needs to be determined to keep the storage working.

4. As per claim 6, Gotoh et al. discloses wherein the drive performs the detecting, the drive further comprises communicating to the host that the shortage has been detected, the host further comprises deciding on whether the defect management area should be enlarged or not, and if yes, indicating) to the drive that the defect management area should be enlarged, and unmounting the recording medium, the drive further checks the file system information on availability of a sufficient large contiguous free area in the data area, and the drive performs the allocating and the adapting in column 24, line 63 – column 25, line 60.

5. As per claim 9, Gotoh et al. discloses wherein the host provides the file system information to the drive before the unmounting in column 23, lines 31-40; 62 - 67.

6. As per claim 11, Gotoh et al. discloses wherein the allocating further comprises checking the data area to allocate a contiguous free part of the data area, wherever available, to become the supplemental defect management area by updating a defect

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table in the defect management areas, accordingly in column 24, line 63 – column 25, line 60.

7. As per claim 12, Gotoh et al. discloses wherein the allocating further comprises updating the file system information such that a physical address area of a used part of the data area at the start or the end of the disc is coupled to a logical address area within the logical address area originally being coupled to the contiguous free part of the data area in column 25, lines 9-15.

8. As per claim 13, Gotoh et al. discloses wherein the drive further comprises copying the supplemental defect management area if not physically allocated at the start or the end of the disk to the start or the end of the disk during a background process when the disc is mounted and is not in use by the host in column 25, lines 9-15.

9. As per claim 14, Gotoh et al. discloses a data area and a defect management area, the apparatus comprising a drive for writing data to or reading data from the recording medium, a host for sending data to or for receiving data from the drive when the drive is in a mounted state wherein file system information is available to the host, means for detecting whether a shortage of free space in the defect management area is to be expected, means for allocating supplemental defect management area at the cost of the data area when the shortage has been detected, and means for adapting the file system information to reflect a latest state of availability of the data area and the allocated supplemental defect management area in column 24, line 63 – column 25, line 60 .

Gotoh et al. fails to explicitly state during an unmounting phase wherein the host unmounts the recording medium, wherein the host performs the detecting, the allocating, and the adapting, all before the host unmounts the recording medium.

Blumenau discloses this limitation in column 3, lines 4-38.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have during an unmounting phase wherein the host unmounts the recording medium, wherein the host performs the detecting, the allocating, and the adapting, all before the host unmounts the recording medium. A person of ordinary skill in the art would have been motivated to have during an unmounting phase wherein the host unmounts the recording medium, wherein the host performs the detecting, the allocating, and the adapting, all before the host unmounts the recording medium because the availability of space needs to be determined to keep the storage working.

Claim Objections

10. Claims 3-5,7,8,10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Please see the rejection above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda L. Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yolanda L Wilson/
Primary Examiner, Art Unit 2113